

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARCEL BODDIE,
Plaintiff

v.

HENNY’S SPORTS BAR, et al.,
Defendants

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CIVIL ACTION

NO. 24-1393

ORDER

AND NOW, this 1st day of August 2024, upon consideration of the *motion to dismiss for failure to state a claim* filed by Defendants City of Philadelphia, Erica Atwood, and Shondell Revell’s, (collectively, “City Defendants”), (EFC 20), and the response in opposition filed by Plaintiff, (ECF 21), it is hereby **ORDERED**, for the reasons set forth in the accompanying Memorandum Opinion, that:

1. The motion to dismiss claims of state-created danger asserted against City Defendants at Count I is **GRANTED** and, therefore, such claims are **DISMISSED** against City Defendants.
2. The motion to dismiss Count II, as it pertains to Defendants Erica Atwood and Shondell Revell, in their official capacities, is **GRANTED** and, therefore, all claims asserted against Defendants Erica Atwood and Shondell Revell in their official capacities, are **DISMISSED**.
3. The motion to dismiss the *Monell* claim at Count II as it pertains to Defendant City of Philadelphia is **DENIED**.
4. The motion to dismiss Count IV is **GRANTED** and, therefore, all claims of negligence asserted against City Defendants are **DISMISSED**.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro

NITZA I. QUIÑONES ALEJANDRO

Judge, United States District Court